

APPROVED: Meeting No. 22-96

ATTEST: *Paula J. Jewell*
 MAYOR AND COUNCIL
 ROCKVILLE, MARYLAND
 Meeting No. 14-96

April 8, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on April 8, 1996, at 7:30 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow (arrived at 7:40 p.m.)

Mayor Krasnow recognized two special guests in the audience--her son Kevin and her husband Steve who were present for the first time at a General Session since Ms. Krasnow was elected Mayor.

Mayor Krasnow speaking on behalf of the Mayor and Council, said she was greatly saddened by the plane crash near Dubrovnik, which killed Secretary of Commerce Ron Brown. Secretary Brown was a major supporter of cities throughout the United States.

Re: City Manager's Report

1. On April 10, the Mayor and Council will meet with the Americana Center at the Center's annual condominium association meeting. Civic and homeowner

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associations are reminded that they can involve the City in their association meetings.

Call the City Manager's Office (309-3300) or the City Clerk's Office at 309-3310 to make arrangements.

2. On April 13, the Rockville Baseball Association opening day ceremonies will be held at Dogwood Park and Mayor Krasnow will pitch the first ball.

3. Following the extraordinary success of the first Walking Town Meeting in the Twinbrook neighborhood, the Mayor and Council will continue the schedule of the meetings and plan to tour the West End neighborhood on April 13.

4. A group of new artists are exhibiting at the Mansion Art Gallery and will be discussing their work on April 18, at 7:30 p.m. A guided tour of the Gallery will also be provided on April 19. The exhibit highlights interesting 3-D photography, paintings and collages.

5. Members of the Mayor and Council attended the Rockville Housing Authority's Spring Block Party on April 4. The party featured guest speaker Dr. Leonise Bias. With the untimely deaths of her sons Len and Jay, Dr. Bias has been speaking throughout the country about the responsibilities we all have in strengthening our families.

6. On April 6, the City's annual Spring Egg Hunt took place. Between 1500-2000 persons participated at the Senior Center and Glenview Mansion. This was one of the largest crowds ever with both children and adults enjoying the annual event.

7. A banner raising ceremony for the F. Scott Centennial celebration was

conducted this morning at St. Mary's Church. The banners highlight F. Scott's burial site and are visible from the intersections of Rockville Pike and Veirs Mill Road.

8. Some residents in the College Gardens community may have received a flier encouraging residents to call in their comments about the proposed Comprehensive Development Plan for the King Farm development. Residents are reminded that in order to submit testimony for the proposed development, they should do so in writing or they may call the City Clerk's Office at 309-3310 to sign up to speak at the April 15th Public Hearing.

Councilmember Wright noted that he and Councilmember Harrison attended the Easter Egg Hunt at the Mansion where there were quite a number of people present, and they both plan to offer some suggestions for improving next year's event.

Mr. Kuckkahn introduced Michelle Martin and Thomas Edwin Thomas who began their positions on April 1st, as Rockville's new Assistants to the City Manager.

Re: Presentation to Richard Montgomery High School Girls Basketball Team and Indoor Track Team in recognition of winning Maryland State Championships. The Girl's Basketball Coaches are Watson Prather and Sissy Natoli (Assistant Coach) and the Indoor Track Coach is Ben Oipari.

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Certificates were presented to the following 1996 Richard Montgomery High School Girls State Basketball Champions: Heather Benson, Medina Grover, Emily Owens, Shannon Benson, Achamma Kallarakal, Heather Walenga, Kristie Blase, Caryn Lazerowich, Stephanie Gilbert, Jen Buckley, Koshia Phillips, Jasmin Henderson, Amy Cooper, Kate Thirolf, Rachel Tenney, Mileka Gilbert, Claudia Lamy, and Ashley Osborne.

Certificates were also presented to the following 1996 Richard Montgomery High School Indoor Track State Champions: Jason Joubert, Matthew McGuire, Roger Pine, Ajamu Kitwana, Jedidiah Fonner, Wesley Campbell, and Michael Taye.

Re: Proclamation Declaring April
21, 1996 as **MARCH FOR
PARKS DAY** in Rockville.

Proclamation No. 3-96

By a unanimous vote of the Mayor and Council, April 21, 1996 was declared "March For Parks Day" in Rockville. Upon the request of the Mayor, Councilmember Dorsey read the Proclamation, the full text of which can be found the 1996 Proclamation File of the Mayor and Council. The Proclamation was presented to Paula Strain, member of the Recreation and Park Advisory Board.

Re: Proclamation Declaring April
14-21, 1996 as **DAYS OF
REMEMBRANCE OF THE
VICTIMS OF THE
HOLOCAUST** in Rockville.

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Proclamation No. 4-96

By a unanimous vote of the Mayor and Council, April 14-21, 1996 was declared "Days of Remembrance of the Victims of the Holocaust" in Rockville. Upon the request of the Mayor, Councilmember Marrinan read the Proclamation, the full text of which can be found in the 1996 Proclamation of the Mayor and Council. The Proclamation was presented to Regina Spiegel, a survivor of the Holocaust.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Sheila Handley, Resident expressed concern about what she said were growing numbers of different cultures and changes she has seen in the community, particularly on her street. She complained about neighbors who hung clothes out to dry and who grill food in front of their property, rather than in the back yard, and she suggested that the City adopt community standards that pertains to neighborhood aesthetics.

Mayor Krasnow said that as the community became more diverse, everyone would need to work better together to help incorporate the different groups into City life.

Re: Appointments

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Jill Herzog Phillips was appointed to serve on the Cultural Arts Commission.

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Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 09-96 (March 11, 1996) were approved as amended.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 10-96 (March 12, 1996) were approved as amended.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Minutes of Meeting No. 11-96 (March 18, 1996) were approved as amended.

Re: Consent Agenda

Councilmember Marrinan requested removal of Consent Agenda Items A, D, and E. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following Consent Agenda items were approved:

(B) Award of Bid #61-96
To: Citiroof Corp.
Of: Columbia, MD
In the amount of: \$29,001

For: Roofing Improvements at
Rockville Municipal Swim Center Snack
Bar.

(C) Award of Bid #62-96
To: Citiroof Corp
Of: Columbia, MD
In the amount of: \$31,388

For: Roofing Improvements at Lincoln
Park Community Center

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Re: (A) Award of RFP 53-96 for engineering services for the design of three SWM facilities in the Cabin John Watershed per the City's Watershed Study adopted by the Mayor and Council.

Councilmember Marrinan removed Item A from the Consent Agenda to focus on the Hungerford-Stoneridge extended detention facility. He said that when the project was initially proposed, there was much controversy about the purchase of the property and the design of what would be included on the property. Mr. Marrinan commended staff for working with the contractor in getting the costs for the first phase of the project down to \$83,650; approximately one-half the costs of our engineer's estimated cost of \$160,000.

Mayor Krasnow said that it was important to note that there was a great deal of citizen input as the Cabin John plan was developed, and the City would continue to have community outreach in the three separate neighborhoods as each of the design plans for the projects were developed. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following contracts were awarded: to A. Morton Thomas & Associates for the design of the Mt. Vernon Retrofit facility in the amount of \$34,045.00; to Greenhorne & O'Mara, Inc. for the design of the Potomac Woods East facility in the amount of \$63,771.60; and to Greenhorne & O'Mara, Inc. for the design of the Hungerford-Stoneridge facility in the amount of \$83,650.35.

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Re: (D) Award of Bid #63-96
To: Magco, Inc.
Of: Jessup, MD
In the amount of: \$44,160

For: Roofing Improvements at F. Scott
Fitzgerald Theatre

Regarding Item D, Councilmember Marrinan pointed out the relationship of the roofing improvements with some other renovations to the theater which would be performed by Dustin Construction Company. He said that the Mayor and Council had expressed previous concerns about having the theater renovations completed by mid-September. He questioned whether Magco could also complete the roofing improvements by September. Recreation and Parks Director Burt Hall said that staff felt confident the two contractors could work closely together to accomplish both projects at the same time. Mr. Hall said it was important that the roof be replaced as it was near failure. He also said that staff spoke to representatives at Dustin Corporation who were willing to share the space necessary so that both projects could be completed simultaneously.

Mayor Krasnow said that the theater roof was approximately 15 years old; she asked if it was hoped that a longer life could be gotten out of the roofs on City buildings. Mr. Hall said staff agreed that 15 years was not an acceptable lifetime for roofs. Fifteen years ago, a number of roofs were made out of PDC, which at that time, was a relatively new technology compared to the standard built-up roof. These were installed on a number of City buildings and it turned out they failed at approximately 15

years. A standard built-up roof had a 20-year leak proof life expectancy. Mr. Hall said that roofing systems currently specified by the City guarantee a minimum of 20 years water-tight roofing. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Bid #63-96 was awarded to Magco, Inc. in the amount of \$44,160.

Re: (E) Award of Bid #72-96
To: F.O. Day Co., Inc.
Of: Rockville, MD
In the amount of: \$113,360

For: Reconstruction and
repaving Middle Lane Public
Parking Lot. This project is
funded by the Property
Management Fund.

Councilmember Marrinan said there were a number of persons who parked on the Middle Lane lot to ride the Metro. He asked about the timing of the project and what alternate arrangements would be made for the users of the lot during construction. Mr. Hall responded that there were approximately 80 permit parkers and a number of users who used the lot without a permit in the 4-hour or free spaces. Mr. Hall said Rockville Center, Inc. assured staff that there would be enough spaces to accommodate the permit users, in the new parking lot built on the East side of the new Maryland Avenue, as well as on the 250 Hungerford Drive indoor lot. Mr. Hall said that assuming good weather, the construction would take approximately two weeks. Those persons who use the lot on a non-permit basis will have to find parking elsewhere at either the old Pier One lot or in another downtown lot. Mayor Krasnow said that if it was possible, the

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construction project should be moved up since the anticipated completion date of May 18 was only one week before the date of Hometown Holidays. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Bid #72-96 was awarded to F.O. Day Co., Inc., in the amount of \$113,360. Councilmember Dorsey commented that it was nice to see so many of the City's contracts being awarded to Maryland businesses, and he commended staff on the good work.

Re: Discussion and Instructions to Staff - Review Montgomery County's Capital Improvement Program (CIP) for FY 1997-2002 to develop comments for submission to the Montgomery County Council.

The Mayor and Council discussed staff's analysis and the Planning Commission's endorsed recommendations of comments to be submitted to the Montgomery County Council for the proposed CIP. Staff was directed to incorporate the following Mayor and Council's additional comments into the plan:

- PDF #10-32 - Detention Center Renovation - Staff was asked to expand and clarify the City's comments on this project. Since building a new jail will take approximately 5 years, improvements to the existing facility were necessary in the interest of security and to enhance the working conditions of the guards at the facility. It should be emphasized, however, that the renovations were temporary emergency measures only and the County should not use this work as a rationale for not moving on with building

the new jail in Clarksburg.

- Transit for the King Farm - Funding needs to be included in the County's FY 1997-2000 CIP for initial studies on the transitway for the King Farm.

- PDF #10-33 - Detention Center Reuse - Staff should review the pilot project study related to the processing facility. The expenditure is for planning and preliminary design of portions of the Detention Center for use primarily as a central processing facility once a new facility in Clarksburg is completed. Staff should emphasize to the County that any other uses will require a use permit, and to reiterate that this is a sensitive issue for the City.

- PDF #11-38 - Facility Planning: Transportation - One of the candidate facility planning projects under study is for Montrose Parkway. Montrose Parkway will have significant potentially adverse impacts on the City. Mayor and Council questioned whether a Montrose facility should be constructed now or at any point in the future. Such a facility will cause increased traffic and will not necessarily solve problems along Montrose Road. There would also be some negative impacts on that part of Rockville, and the Mayor and Council agreed that the County should be encouraged to look at more transit-related options, e.g., Ride-On busses and other methods of transportation to Metro stations throughout the County.

- PDF #21-80 - Educational Technology: Global Access - Mayor and Council support the notion of this project to encourage technology in the schools, provide access

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equity for the students, and to focus on a way to measure the impact on programs, e.g., SAT scores.

- PDF #11-102 - Annual Sidewalk Program - Staff should emphasize the safety issue for accelerating construction of a sidewalk along Scott Drive between Overleaf Drive and Wescott Place. Currently, Frost School students have to walk along the road where there is no sidewalk.

- PDF #11-125 - Transportation Emissions Reduction Pilot Program (TERPP) Mayor and Council support this program which provides amenities such as bus shelters, benches, pedestrian and bicycle enhancements; the program allows residents to take advantage of the City's Metro locations.

- PDF #10-34 - New Detention Center - Reword the recommendation. While Mayor and Council strongly support the construction of new detention facilities, the emphasis should be made that the City wants new detention facilities that are up to today's modern standards with adequate room and adequate security.

- Other projects City would like to recommend to the County:

- (a) Twinbrook Park
- (b) Other Rockville school renovations that fall within the CIP time frame.
- (c) Modernization and improvement of the Lincoln Park Bridge between Frederick Avenue and Hungerford Drive.

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Re: Discussion and Instructions to
Staff - Text Amendment
Application TXT95-0152, GFS
Realty, Applicant.

To add uses to the C-1, Local
Commercial Zone.

The Mayor and Council discussed the applicant's amended proposal to add uses to the C-1 Zone, including jewelry and jewelry repair, musical instruments, photographic studios, optician, private postal service, interior decorator, and photo processing.

Councilmember Wright said that the text amendment was a very challenging area and there were many different opinions. He explained his rationale for supporting the proposed text amendment and said that the definition of the C-1 Zone was to allow convenience retail in residential areas. He questioned why the Seven Locks Plaza was zoned for C-1 as opposed to C-2 when the center was not really surrounded by homes, rather the homes were located across the street from the center. Mr. Wright said that when he thought of convenience, he thought of services performed on a daily, weekly, or monthly basis. He found it difficult to think about convenience as the sole motivating force for amending the ordinance because there were other less frequent uses permitted which did not generate a lot of traffic and those seemed to be encouraged. Mr. Wright said that the concept was the C-1 zone was for the convenience of the neighboring residents, and one did not want people outside the neighborhood coming in. He found

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some of the uses difficult to justify, none the less, he could support the other uses proposed by the applicant for amendment to the C-1 Zone.

Councilmember Harrison said that he agreed with Mr. Wright that there is still a place in Rockville for C-1 zoning and that type of shopping center. With respect to the Seven Locks center, he explained that it was C-1 zoned because it was originally visioned to be neighborhood shopping for the Potomac Woods area. Mr. Harrison said that given the development that has occurred, it might be worthwhile to get input from Potomac Woods and some of the other newer neighborhoods around the center. Without the neighborhood's input, Mr. Harrison said that he would be reluctant to support changing the zone from C-1 to C-2. Mr. Harrison said that he supported all of the uses envisioned by the applicant. He also looked at the materials submitted by the applicant on photo processing machines and he believed that they overcame a number of the limitations pointed out by Mrs. Thoms in her testimony. He said he also believed a case could be made for a small jewelry store with the limitation of 2500 sq. ft. as it seemed compatible with the neighborhood shopping center and would not generate a lot of traffic from the wider area. Mr. Harrison noted a suggestion made by Ms. Thoms regarding neighborhood notification on proposed changes to the C-1 zone. The City does not require notification to a wide range of neighbors to the centers. He suggested that a sign be placed in the centers and that a notice be mailed to residents within a specified area of the center.

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Mayor Krasnow said Mr. Eisner, the new owner of the Seven Locks Plaza, recommended that many of the uses proposed by GFS be included. Mr. Eisner had also recommended a limitation of 1500 square feet on the majority of the uses. Mayor Krasnow asked that staff look at what would be an acceptable square footage; while 1500 square feet seemed quite limited, Ms. Krasnow suggested that Mr. Eisner, having been a shopping center owner for many years, might have some input as to why he came up with the 1500 sq. ft. limitation. Mayor Krasnow also agreed that a sign similar to that placed for variances would be a good idea, and she asked that staff explore the possibility of developing a text amendment to propose this type of signage.

Mayor Krasnow also noted another point mentioned by Mr. Eisner--a store for pagers and phones, and other telecommunication technologies might be a possibility for an additional use in the C-1 zone.

Councilmember Dorsey said he would like to see language that required a clear process for addressing the issue of businesses involved in potential environmental offenses. Community Development Director Neal Herst agreed and he suggested that the idea of micro-environments within buildings and shopping centers and the issue of sign notification could be discussed at the next Planning Commission meeting. Mayor Krasnow asked that the Planning Commission also discuss the issue of the applicant notifying the other tenants of the shopping center about proposed changes. Staff was instructed to proceed with an ordinance for introduction on April 22, which would allow

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for the addition of the following uses: jewelry and jewelry repair, musical instruments, photographic studios, optician, private postal service, interior decorator, and photo processing.

Re: Discussion and Instructions to Staff - Application to Close and Abandon a Public Way, SCA96-0071, Robert Gale, Applicant.

To abandon an unused right-of-way between Argyle Street and Maryland Avenue.

Without objection, staff was instructed to draft an ordinance for the April 22 General Session to abandon the unused right-of-way between Argyle Street and Maryland Avenue.

Re: Discussion and Instructions to Staff - Application to Close and Abandon Public Way SCA95-0072, Congressional North Associates, Applicant.

To close and abandon service drive easement along Rockville Pike (MD 355) north of Congressional Lane.

Without objection, staff was instructed to draft an ordinance for the April 22 General Session to close and abandon the service drive easement along Rockville Pike, north of Congressional Lane.

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Re: Introduction of Resolution to Enlarge the Corporate Boundaries of the City of Rockville, Annexation Petition ANX96-0122, Alice Kelly, Petitioner.

To enlarge the corporate boundaries of the City of Rockville to include 3.86407 acres of land, more or less, of Alice M. Kelly and Montgomery County, Maryland.

Councilmember Marrinan introduced the Resolution to enlarge the corporate boundaries of the City of Rockville to include 3.86407 acres of land.

Re: Adoption of Resolution to Set Public Hearing Date - Annexation Petition ANX96-0122, Alice Kelly, Applicant.

Resolution No. 3-96

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Resolution setting the Public Hearing date of July 15, 1996 for Annexation Petition ANX96-0122 was adopted. A copy of the full text of the Resolution may be found in Resolution Book No. 11 of the Mayor and Council.

Re: Correspondence

1. Councilmember Harrison noted a letter the Mayor received from the West End Citizens Association expressing appreciation to the Mayor, Council and City staff for providing outstanding snow removal services to the neighborhood during the winter

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storms.

Re: New Business

1. Councilmember Harrison reminded residents that the Mayor and Council's second Walking Town Meeting takes place in the West End neighborhood on April 13. Mr. Harrison said that the tour would be the second in a series. The first Walking Town Meeting was held in March in the Twinbrook neighborhood and was a great success, and Mr. Harrison said the Mayor and Council were hoping for good weather and a large turnout in the West End neighborhood.

2. Mayor Krasnow reminded viewers that the City's water main flushing program begins April 15 and will run through June 28. There may be times when residents may experience brown water in the their pipes; and Mayor Krasnow reminded residents that they may wish to refrain from washing their clothes when the water is brown.

3. Mayor Krasnow received a response from Delegate Cheryl Kagan who had gotten involved in the issue of maintenance at the MARC station. The response from the Maryland Department of Transportation, Mass Transit Administration indicates that there is a question of ownership of the station between CSX and WMATA. Mayor Krasnow asked that staff stay on top of the issue.

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Re: Next Meeting

The Mayor and Council will meet in Worksession on Tuesday, April 9, 1996, with the Planning Commission, Human Rights Commission, and Board of Appeals.

Re: Adjourn to Worksession

The Mayor and Council adjourned at 9:07 p.m. to meet immediately after in a Worksession held in the City Manager's Conference Room to discuss refuse and recycling service.

Re: Worksession Re Refuse and recycling service.

The Mayor and Council met with Deputy City Manager Julia Novak, Assistants to the City Manager Michelle Martin and Thomas Edwin Thomas, and Sanitation Superintendent Charles Thomas, to discuss staff's analysis on options for the City's refuse and recycling collection service. The following policy questions were discussed:

1. Should the City provide recycling collection with City crews or continue the practice of contracting this service out to private haulers?
2. Should refuse collection service frequency be cut back to once a week or should the City maintain its bi-weekly collection?
3. Should rear-yard pick-up of refuse be eliminated in favor of more common curbside collection?

The Mayor and Council expressed concern that residents might not be ready for changes to the two most sensitive programs: curbside versus rear yard collections and

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once per week pick up. The Mayor and Council also felt that if the City were to bring recycling in-house, the City's refuse employees could probably perform the job in an excellent manner. Staff was directed to flesh out the following issues and come back with additional recommendations and information for the Mayor and Council's further consideration:

- Specify the exact costs (e.g., purchase of a truck, hiring labor) involved in keeping twice per week collection and bringing recycling in-house.
Residents need to be informed that twice per week pick up only results in one-third of the refuse picked up on the second day. Some residents are willing to pay for twice per week pickup.
- Regarding curbside collection versus rear-yard collection, the Mayor and Council are concerned about the potential for injury to workers who perform rear-yard pickup. Staff should include all costs involved with this proposal and will need to build in costs for those residents (e.g., the elderly, the infirm) who are unable to bring their refuse to the curbside.
- If the City were to "piggyback" with Gaithersburg into the Laidlaw Waste Systems program, determine what the price differences would be for handling white goods and brush.
- Give Wright Away a 60-day notice that the City will terminate its contract.
- Staff should develop a plan for educating the residents on any changes to

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the City's refuse and recycling program.

- Staff should continue to look into the development of a compost system.

Re: Adjournment

There being no further business to come before the Mayor and Council, the

Worksession adjourned at 10:30 p.m.